

## REMARKS

### **Claim Rejections – 35 USC §112.**

The Office Action alleges the language of claim 38, line 13 is not clear as to the meaning of “said data.” Applicant has amended the language of claim 38 to resolve this ambiguity.

### **Claim Rejections – 35 USC §102 – Chiang (U.S. Patent No. 5,535,422).**

The Office Action rejects claims 38-42 and 61-62 as anticipated by Chiang. In particular, the Office Action alleges that “Chiang discloses wherein the user interface further comprises a topic selection interface, and wherein the topic selection interface (i.e. lesson panels) is displayed only when commands are executed via the user interface.” [Office Action at p.3]. Applicant respectfully traverses. The portion of the Chiang reference cited in the Office Action, namely Col. 3:27-29, recites “a series of linked information display panels including lesson panels, step panels and concept panels,” and element 62 of FIG.2 appears to disclose “an action bar 62 containing action menu items.” *See* Chiang, Col. 9 line 37 and FIG. 2. The “lesson panels” that appear in Fig. 2 affirmatively demonstrate that they are displayed even while commands are not being executed via the user interface. *See* Chiang, Fig. 2 and Col. 10 lines 11-24. As for the action bar, Applicant finds no suggestion in Chiang that the action bar 62 is at times hidden from display nor does Chiang suggest that the action bar “is displayed only when commands are executed via the user interface.”

For at least the reason that Chiang does not teach or suggest this feature, independent claims 38 and 61, and the claims that depend from claims 38 and 61 are not anticipated by Chiang.

The Office Action further alleges that “Chiang discloses a peripheral interface that receives at least some of said plurality of actions and selectively issues some of the actions for

operating a peripheral device (i.e. a product) having an embedded instruction set ...” See Office Action at p.4. This assertion appears to rest on the premise that “a product” as described in Chiang equates to a peripheral device. Applicant respectfully traverses. The Chiang specification uses the term “product” in reference to “a software product” rather than a peripheral device. See Chiang Col. 3 lines 9-12 and Col. 3 lines 55-56.

For at least the reason that Chiang does not teach or suggest selectively issuing “some of the actions for operating a peripheral device,” and for the alternative reason that Chiang thereby does not teach a peripheral interface, independent claim 51 and those claims that depend from claim 51 are neither anticipated by Chiang nor rendered obvious by Chiang when viewed in light of the art of record.

The Office Action further alleges that “Chiang discloses wherein the target application interface selectively takes control of the target application based upon user input,” and, citing to the same portion of the specification, alleges that Chiang discloses “wherein the target application takes control of the target application based upon said at least some of said plurality of actions and completely releases control of the target application ...” [Office Action at pp.4-5 *citing* Col. 7: 45-48]. Applicant respectfully traverses.

The cited portion of the Chiang specification reads as follows: “The monitoring system compares user inputs with expected input actions defined in the lesson control file. Upon a match, a message containing the appropriate input is allowed to reach the product. If a mismatch occurs, an error message is generated.” This cited portion of the Chiang specification teaches that Chiang allows appropriate input to reach the (software) product. But, allowing input to reach a software product is not taking control of the target application and is not completely releasing control of the target application. Thus, dependent claims 39, 40, and 41 are further

distinguished from Chiang. For these reasons, Applicant respectfully requests that the rejection of claims 38-42 and 61-62 under §102(b) be withdrawn.

**Claim Rejections – 35 USC §103.**

*Chiang in view of Cook (U.S. Patent No. 5,727,950)*

The Office Action alleges that Claims 43, 47-49, 51, and 55-57 are rendered obvious by Chiang when viewed in light of Cook. Applicant respectfully traverses for at least the reason that Applicant fails to find disclosure in Chiang or Cook of the limitations discussed above in connection with the 102(b) rejection.

Applicant further traverses for the reason that Applicant fails to find any teaching in Chiang or Cook that suggests a motivation to combine the network interface of Cook with Chiang. The Office Action recites that “Chiang does not disclose expressly wherein the data retrieval interface comprises a network interface ...” [Office Action at p.5]. While Cook teaches a network, Applicant not only finds no motivation to combine the network of Cook with Chiang, but also finds that the Cook reference teaches away from combination with a system such as Chiang.

First, Cook emphasizes that “[t]he utilization of a network is central to the ABI system.” For this reason, Cook is significantly different than Chiang, which does not use a network. Moreover, Cook emphasizes the importance of a human tutor in the use of its networked system and suggests that systems that lack a human tutor fail to instruct as well as possible:

A greater deficiency is that existing CAI systems do not recognize characteristics of their individual students. They cannot be individualized or made responsive to their students styles. Thereby, these system ignore those roles of a human tutor that can be of unparalleled significance in the education of an individual. The human tutor assists in scheduling and prioritizing and in maintaining interest through proper reinforcement and knowledge of student abilities and preferences. A human tutor observes and addresses patterns of errors and maintains a

consistent manner of interaction across a broad range of subject matters and activities. Moreover, a human tutor effectively integrates the cognitive, personal and social aspects of the instructional situation. In other words the human tutor provides a level of individualization based on student styles and on requirements of the instructional task. Furthermore, the human tutor provides an equally effective interaction with the teacher by accepting individualized instructions, collecting data and providing detailed reports. By failing to address these higher order services and roles of an effective human tutor, existing CAI systems fail to fully engage their students and thus fail instruct as well as possible.

*See Cook Col. 2 line 2 to Col. 3 line 16.*

Because the Cook reference expressly teaches away from systems that do not include a human tutor, Applicant respectfully requests that the rejection of claims 43, 47-49, 51, and 55-57 based on the combination of Chiang and Cook under 35 U.S.C. §103(a) be withdrawn.

*Chiang/Cook in view of Ho et al. (U.S. Patent No. 5,863,208)*

The Office Action alleges that Claims 58-60 are rendered obvious by Chiang/Cook when viewed in light of Ho. Applicant respectfully traverses for the reason of the limitations not taught by Chiang as discussed in connection with the §102 rejection above and for the reason that the Cook reference is not properly combined with Chiang. Applicant further traverses for the reason that even with the combination of Chiang, Cook, and Ho, Applicant finds no teaching of a time stamp in connection with the header block of claims 58-60.

Ho teaches a time-stamp, but does not teach or suggest a time stamp in connection with the header block. The specification in Ho recites “[i]f the line-item is a learnt line-item, the mastery level 74 denotes the level achieved by the student in learning that line-item; 76 denotes the time when the student achieved that mastery level; and the review-counter 78 denotes the time-stamp the number of times that line-item has been reviewed.” *See* Ho, Col. 5 lines 2-7. As this citation recites, Ho associates a time-stamp with line items, which are characterized as subdivisions of topics within a given subject. *See* Ho, Col. 3 lines 10-18. A time stamp

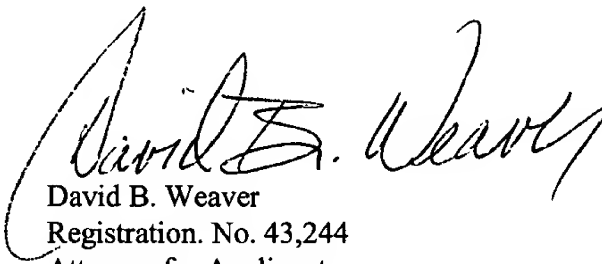
associated with the successful completion of subdivisions of topics is not “a header block further comprising a time stamp parameter” as recited in claims 58-60.

Because the references Chiang, Cook, and Ho are not properly combinable, Applicant respectfully requests that the rejection of claims 58-60 under 35 U.S.C. §103(a) be withdrawn. Applicant respectfully requests that the rejection to these claims be withdrawn for the further reason that this combination of references fails to disclose or suggest “a header block further comprising a time stamp parameter.”

## CONCLUSION

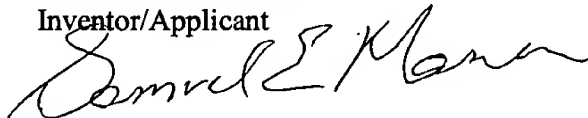
Based on the remarks above, Applicants respectfully request that all rejections under §§ 102 and 103 be withdrawn. Applicants further submit that all the Examiner's concerns have been addressed, and the claims are now in condition for allowance. Such favorable action is respectfully requested. The Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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